

IN THE DRAWING

Please replace FIGs 1-3 with the enclosed replacement
FIGs 1-3.

REMARKS

Reconsideration of the present application as amended is respectfully requested.

By means of the present amendment, FIGs 1-3 have been amended for conformance with the Specification. In particular, the reference numeral 130 in FIG 1 has been change to 103, as recited in the Specification, such as on page 7, line 6. In FIG 2, the reference designation "b" has been changed to --D--, as recited in the Specification, such as on page 14, lines 10-11 and 14. In FIG 3, one of the reference numerals 103 has been changed to --303--, as recited in the Specification, such as on page 16, lines 5, 11-13 and 19.

Replacement sheets including FIGs 1-3 are enclosed. Further, annotated drawing sheets with marked-ups in red showing changes to FIGs 1-3 are enclosed for convenience. Applicants respectfully request approval of the enclosed proposed drawing changes. It should be noted that the Replacement sheet including FIG 1 reflects the change made to FIG 1 by the Amendment mailed on May 19, 2003, where the designation "FIG 1A" was changed to --111A--.

Further, By means of the present amendment the Specification has been amended to correct certain informalities.

In the Office Action, claims 1-7 were rejected under 35 U.S.C.

§102(e) as being anticipated by U.S. Patent No. 6,677,987 (Girod). Further, claims 8-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Girod in view of U.S. Patent No. 6,346,933 (Lin). Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over Girod in view of U.S. Patent No. 6,424,335 (Kim). Claims 11-16 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Girod in view of U.S. Patent No. 5,175,601 (Fitts). Claims 17-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Girod in view of U.S. Patent No. 6,188,388 (Arita). Claim 23 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,973,672 (Rice) in view of Girod. Claims 24-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rice and Girod in view of Kim. Claim 27 was rejected under 35 U.S.C. §103(a) as being unpatentable over Rice, Kim, Girod in view of Fitts. Claim 28 was rejected under 35 U.S.C. §103(a) as being unpatentable over Girod in view of U.S. Patent No. 5,746,261 (Bowling). Finally, Claim 29 was rejected under 35 U.S.C. §103(a) as being unpatentable over Girod in view of U.S. Patent Application Publication No. 2001/0056477 A1 (McTernan).

In response, independent claims 1, 23 and 28-29 have been amended. It is respectfully submitted that claims 1-29 are patentable over Girod, Lin, Kim, Fitts, Arita, Bowling and McTernan

for at least the following reasons.

In rejecting claim 28 on page 12 of the Office Action, the Examiner correctly noted that Girod does not teach or suggest:

wherein the control unit detects the position of the hand-held device relative to the position of a user carrying the hand-held device ...

(Emphasis added)

as recited in claim 28. Bowling is cited in an attempt to remedy this deficiency in Girod.

Bowling is directed to a remotely controlled stump cutter where column 11, lines 63-65 recites:

wherein said stump cutter may only be controlled by said operator's station when said operator's station is within a predefined zone of operation.

(Emphasis added)

Bowling further recites on column 14, line 65 to column 15, line 4 that the wireless remote control system further includes:

at least one miniature operator's station having a first wireless communications link for use by additional personnel working about said stump cutter wherein said control system interface via said second wireless communication link detects and monitors the position of users about said stump cutter. (Emphasis added)

It is respectfully submitted that Girod, Bowling, and combination thereof, do not teach or suggest the recitation of claim 28, namely:

wherein the control unit detects the
position of the hand-held device relative to the
position of a user carrying the hand-held
device... (Emphasis added)

Rather, any relative positions taught by Bowling are with respect to the operator's station and a predefined zone of operation; not with respect to the relationship between the position of the hand-held device relative to the position of a user. Nevertheless, by means of the present amendment, claim 28 has been amended for better clarity. Claim 28 was not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents.

In particular, amended claim 28 now recites:

wherein the control unit detects the
position of the hand-held device relative to the
position of a user carrying the hand-held device
in at least two-dimensions from the image data
from the at least one light detector and
translates the position to control a feature on a
display so that a change of said feature
corresponds to a movement of the movable hand-
held device relative to the user. (Emphasis
added)

Further, independent claims 1, 23 and 29 have also been amended to include the above-noted feature of claim independent 28. This feature is nowhere taught or suggested in Girod and Bowling, alone or in combination. Lin, Kim, Fitts, Arita and McTernan are


cited to reject other features recited in other claims and do not remedy the deficiencies in Girod and Bowling.

Accordingly, it is respectfully submitted that independent claims 1, 23 and 28-29 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-22 and 24-26 should also be allowed at least based on their dependence from independent claims 1 and 23, as well as for the separately patentable elements contained in each of the dependent claims.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Applicants reserve the right to submit further arguments in support of the above stated position as well as the right to introduce relevant secondary considerations including long-felt but unresolved needs in the industry, failed attempts by others to invent the invention, and the like, should that become necessary.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
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Attorney for Applicant(s)
September 15, 2005

Enclosure: Replacement drawing sheets (3 sheets with FIGs 1-3)
Annotated sheet (3 sheets showing changes to FIGs 1-3)

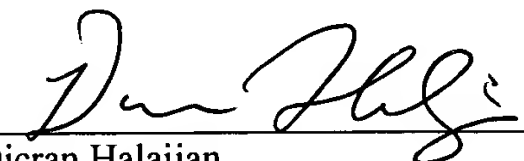
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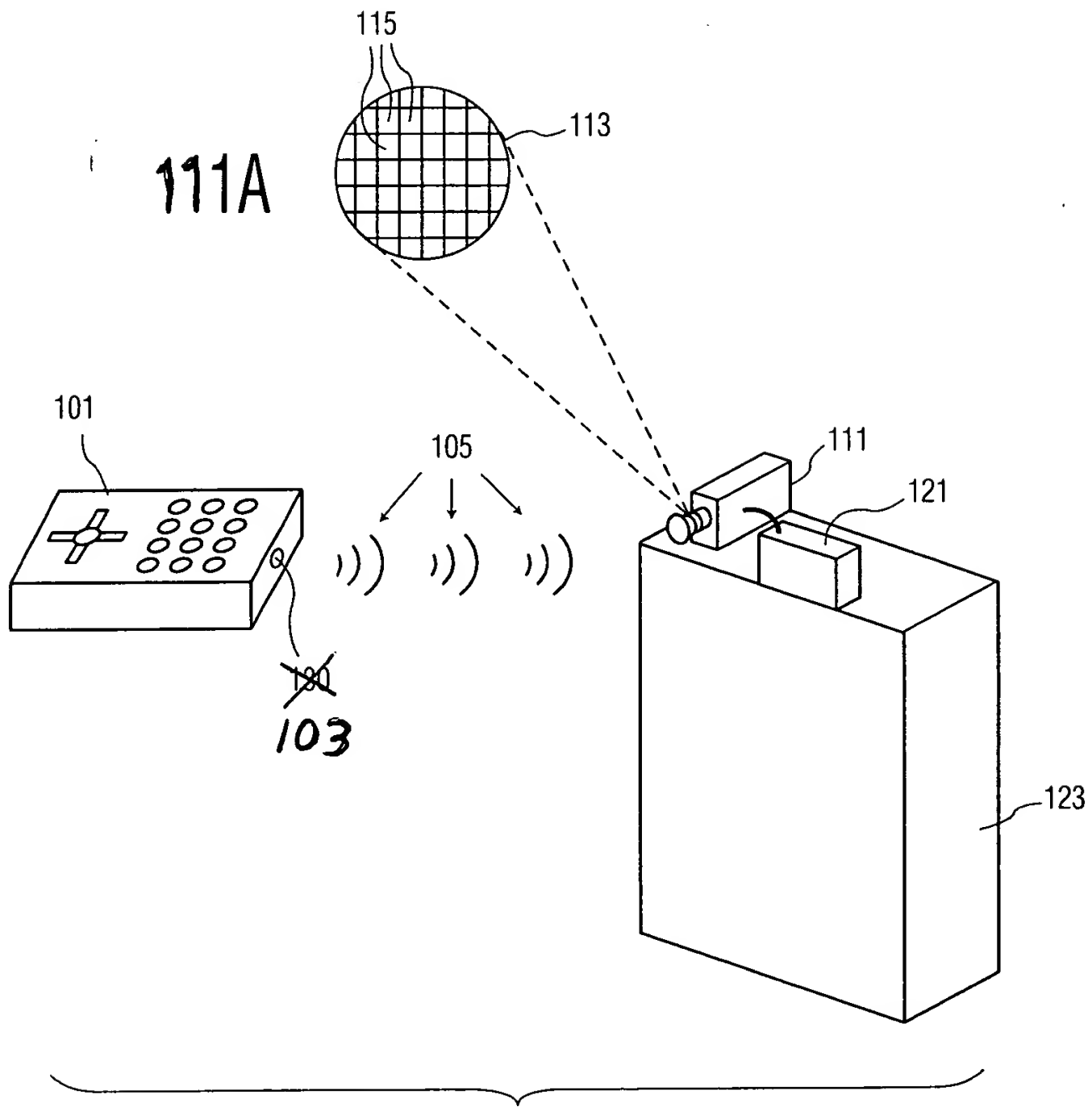


FIG. 1

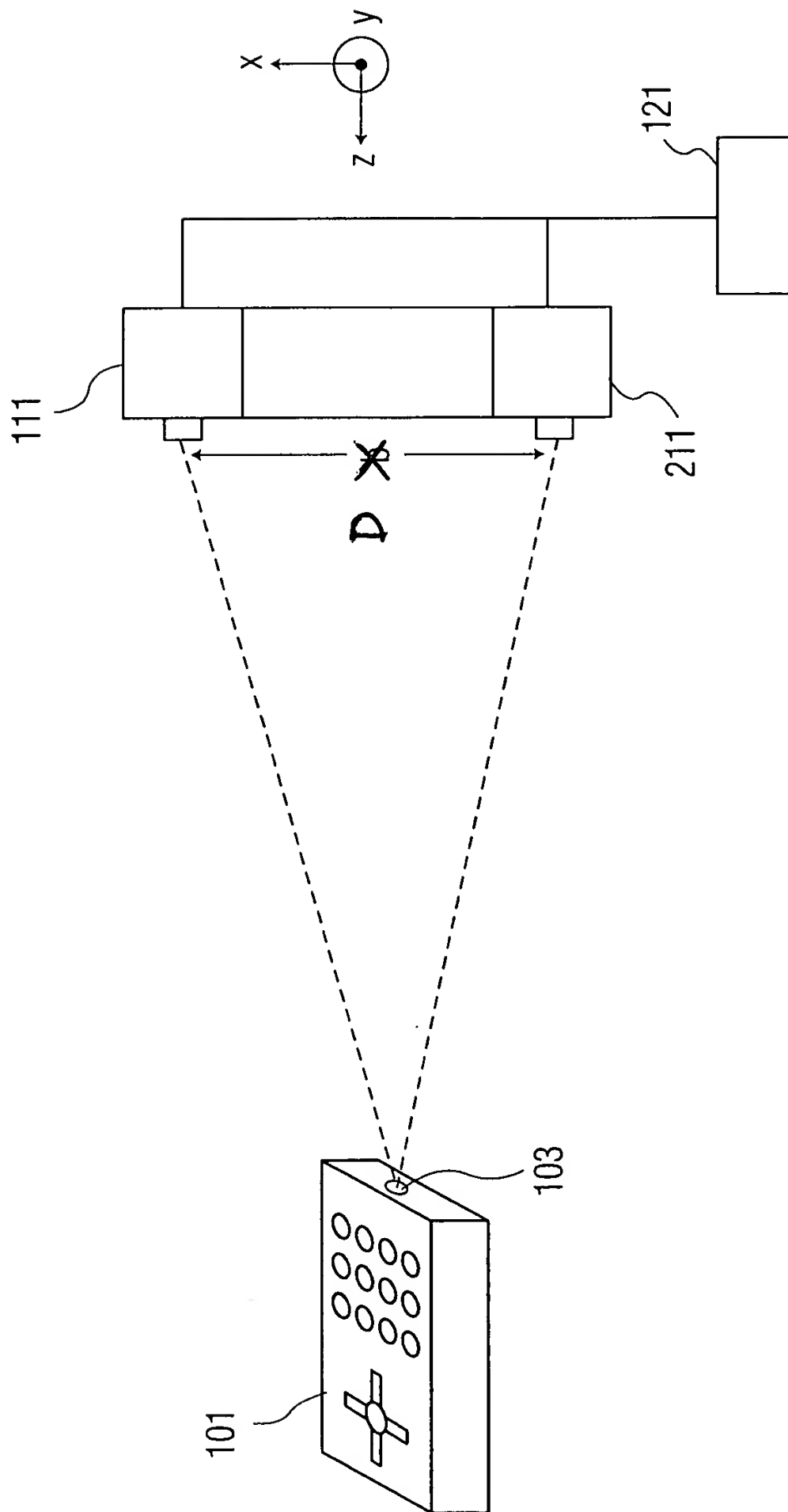


FIG. 2

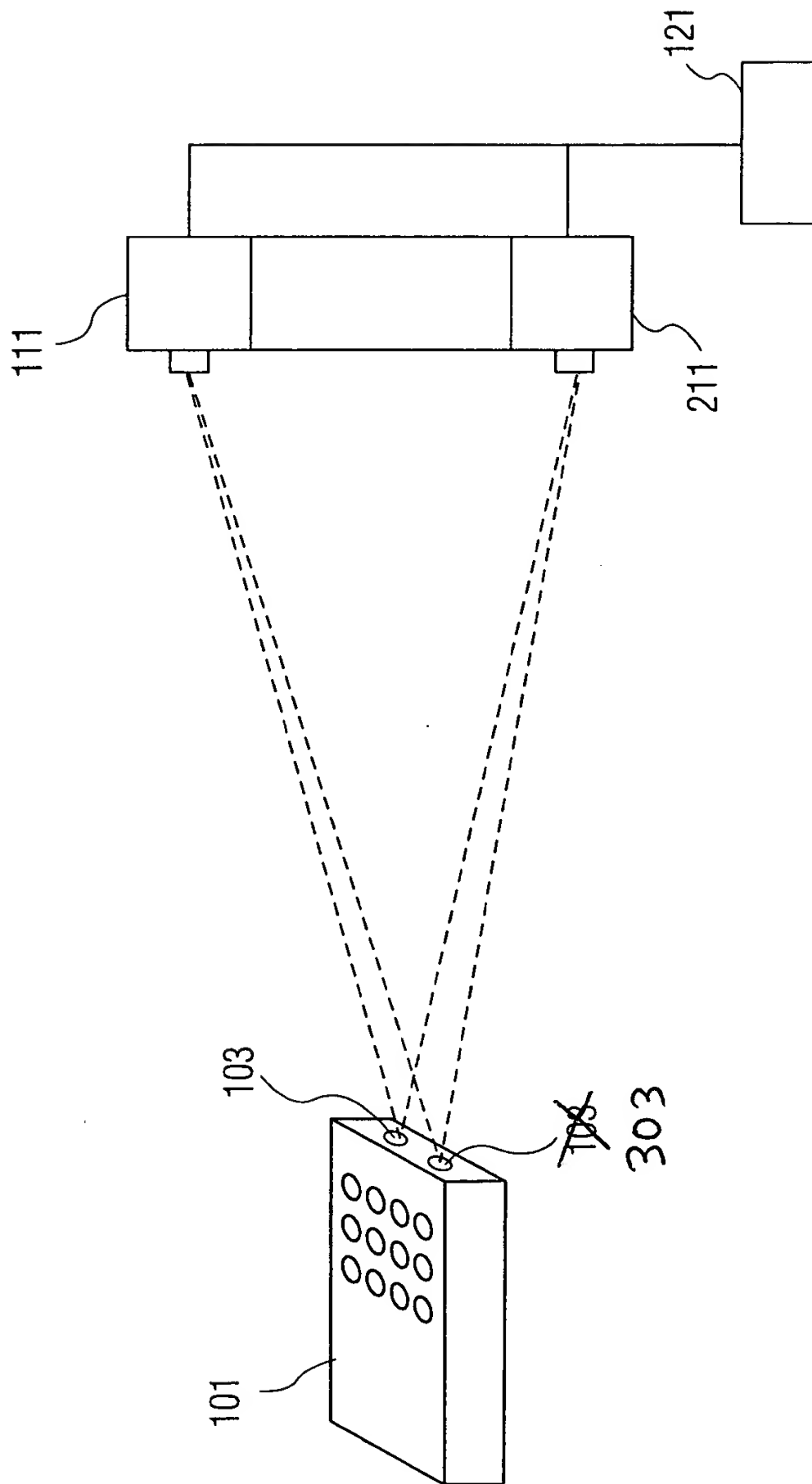


FIG. 3